

REMARKS

The Final Office Action, mailed June 7, 2006, considered and rejected claims 1, 3-10, 12-18, 28-39 and 43-50.¹ By this paper, claims 1, 9, 10, 18, 28, 34, 37, 43 and 50 have been amended, claims 8, 28, 35-36 and 38-39 have been cancelled, and new claims 51-55 have been added, such that claims 1, 3-7, 9-10, 12-18, 29-34, 37 and 43-55 remain pending and of which claims 1, 10 and 53 are the only independent claims at issue.²

The present application is generally directed towards embodiments in which users remotely access multimedia devices, such as, for example, a set top box that stores and displays programming, and in which the user can control the multimedia devices via remote access. In some disclosed embodiments, for example, the user can adjust various settings, schedule time shifting recording, and the like.

Claim 1, for example, recites a method that includes a device using an access device that is remotely located from the programmable client system to access and log in to an access device service. In response to logging into the access device service, the user of the device is authenticated with an authentication service which is associated with the access device service. Subsequently, the device accesses the client system, which has a bi-directional connection with the network. The user is then automatically authenticated with the client system when the authentication service provides authentication information to the client system and in response to the user having been previously authenticated by the authentication service through the access device service. Once the user of the remotely located access device is authenticated to the client system, current program guide data is retrieved from the client system with the remotely located access device and is displayed on the remotely located access device. An event is then selected from the retrieved program guide data at the remotely located access device and is sent to the client system to schedule the event at the client system.

¹ Claims 1, 3, 5-10, 12, 14-18, 28-39 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2005/0028208) in view of Umbreit (US 6,704,787 B1). Claims 4, 13, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Umbreit as discussed under Claim 1, and further in view of Herrington et al. (WO 00/78050). Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of Umbreit as discussed under Claim 1, and further in view of Artigas et al. (US 2001/0014206). Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments is supported by the disclosure in the specification, including at least the disclosure found in paragraphs 38-47.

Claim 10 is directed to a corresponding computer program product claim that recites the elements of the method in claim 1.

The only other independent claim, new claim 53, is directed to an embodiment in which the client system is initially connected to a broadcast source through a unidirectional connection and in which the bi-directional connection the client system has with the network is opened in response to the access device sending instructions to the broadcast source that are transmitted to the client system and that cause the client system to open the bi-directional connection. As specified in claim 55, these instructions can be sent from the broadcast source within conditional access data that is broadcast to the client system.

Ellis is the primary reference used to reject the claims, as view in combination with other art. Notably, *Ellis*, in direct contrast to what is recited by the claims, and as admitted by the Examiner does not teach authenticating a user of a remotely located access device to the client system. To compensate for the inadequacies of *Ellis* in this regard, the Examiner has relied on the teachings of newly cited *Umbreit*. Applicants note, however, that *Umbreit* merely teaches a system in which a user is authenticated prior to accessing a resource through the Internet. This authentication involves a user entering an access code that was received from an access code issuer. This access code is transmitted from the content provider to the access code issuer. The access code issuer then indicates where the code is valid. Thereafter, 'once the content provider has been apprised of whether the access code is valid...the content provider can provide or not provide the requested content to the user.' (Col. 7, ln. 53 thru Col. 8, ln. 22).

While *Umbreit* does appear to teach authentication to some degree, *Umbriet* clearly fails to teach the authentication method recited in the claims. In particular, the present claims require the device to first become authenticated with the authentication service 42, through an access device service 46, and in response to the device logging into the device service 46. (See Figure 3 for example). The cited disclosure in *Umbreit* fails to disclose any authentication embodiment other than the one in which a user becomes authenticated to a content provider in response to providing an access code to the content provider, and in which the content provider checks the access code with the access code issuer. This embodiment is clearly distinguished from the claimed embodiment.

Furthermore, even if *Umbriet* did teach the same type of authentication as that which is claimed, and which it doesn't, Applicants submit that there is no adequate motivation for

modifying *Ellis* with *Umbreit*. In the last action, it was asserted that the motivation for modifying *Ellis* with the authentication methods taught by *Umbreit* would be to provide "an efficient means of accessing and authenticating users located anywhere around the globe." Applicants strongly disagree. First of all, it is not clear how modifying *Ellis* with additional authentication steps and procedures, which are not taught or suggested by *Ellis*, would make *Ellis*'s remote access methods more efficient. In fact, it is more likely than not that modifying *Ellis* in this way would make *Ellis* less efficient inasmuch as it would introduce additional steps and processing costs.

Applicants also submit that even if another possible motivation can be contemplated, such as, for example, based upon a reading of Applicants' specification, that the motivation for combining references in an obviousness rejection must come from the cited art, itself, and not from Applicants specification. Any motivation based upon the Applicants' specification is improper inasmuch as it relies on impermissible hindsight. MPEP §2143.

Ellis and *Umbreit*, when considered alone and in combination, also fail to teach or suggest the embodiment recited in new claim 53, wherein the bi-directional connection used by the client system is opened in response to the access device sending instructions to a broadcast source, such as, but not limited to a satellite, for example, and which sends the instructions to the client system and which cause the client system to open the connection. This embodiment is shown in Figure 4 and is discussed in the corresponding disclosure of the application.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

Although it is not necessary to address the dependent claims at this time, Applicants will address a few of the dependent claims. Claims 49 and 50, for example, recite embodiments in

which the program guide data is formatted for display on a cell phone. In the last action, it is asserted that paragraphs 149-150 of *Ellis* teach the use of hand-held devices such as cell phones. However, Applicants cannot even find mention of the term 'hand-held devices' in the referenced disclosure. Furthermore, even if *Ellis* did disclose the use of hand-held devices, it cannot be assumed that the hand-held devices would include cell phones or even less that the program guide data would be formatted specifically for the cell phones. Accordingly, if the Examiner continues this line of reasoning, it is requested that the Examiner more specifically cite the disclosure purportedly teaching this claim element.

Finally, with regard to claim 48, Applicants respectfully submit that there is no referenced disclosure identified that would teach or suggest that one of ordinary skill in the art would be motivated to modify *Ellis* with *Artigalas* to enable the deleting of content stored at the client device and through remote access. While *Artigalas* is a general reference suggesting that content can be deleted from a computing system, there is nothing that would suggest this deletion occurs through a network connection from a remote device. *Ellis* also fails to provide any suggestion or motivation for doing this. Instead, *Ellis* is directed to accessing and modifying program guide data, not for accessing and modifying recorded content, such as the content that is recorded through the use of the program guide data. The Examiner asserts that there would be a motivation to enable a user to build a personal video or audio library. However, the motivation for building a library is not motivation for remotely accessing and deleting stored content. In fact, this asserted motivation would teach away from building a library. If anything, deleting content would correspond to deleting a personal library, not for building one. Furthermore, this motivation has nothing to do with the teachings of *Ellis* for remotely accessing a program guide and such that *Ellis* would not be motivated modify its remote access to enable deletion of stored content.

Some of the other dependent claims of interest include the new dependent claim 51, which is directed to an embodiment in which the client system comprises a set-top box that is associated with an IP address through which the access device accesses the set-top box, and claim 55, which is directed to an embodiment in which the instructions that cause the client system to open the bidirectional connection are sent from the broadcast source within the conditional access data that is broadcast to the client system. These embodiments are clearly not anticipated by nor made obvious by the cited art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 7th day of August, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written in a cursive style.

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